

Nebraska Judicial Branch Administrative Announcement



January 3, 2012

Chief Justice Heavican requested that Judge Richard Sievers undertake an analysis and update of the protection order dismissal forms in late 2011. Judge Sievers enlisted the aid of District Judges Luther, Colburn and Korslund as well as Toni Jensen, AOC Domestic Violence Programs Service Specialist, and Sheryl Connolly, Director of Trial Court Services. All dismissals posted on the Judicial Branch Website—Court Community—Full Court Forms Listing—District Court---Protection Order Forms were reviewed. It was determined that new forms were required in order to reflect the holdings of *Mahmood v. Mahmud*, 279 Neb. 390, 778 N.W.2d 426 (2010), and *Holling v. Holling*, 16 Neb. App 394, 744 N.W.2d 479 (2008), as well as the amended version of Neb. Rev. Stat. 25-1319, effective January 1, 2012. That statute now provides "The clerk shall make a complete record of every civil, criminal, and appeal case filed in the court as soon as it is finally determined." Formerly the statute said "The clerk shall make a complete record of every cause, as soon as it is finally determined, unless such record, or some part thereof, is duly waived." Thus, the new dismissal orders provide that "A complete required is required" and eliminate the former option to waive a complete record.

Previously, the Judicial Branch website provided the following forms: 19:16 Order Dismissing Petition, 19:21 Order to Dismiss Domestic Abuse Protection Order, and 19:22 Order to Dismiss Protection Order. Those have been taken down from the website today, and any printed versions of such should be destroyed. In their place, Judge Sievers' working group has now uploaded the following forms to be used immediately.

DC 19-16 Order Dismissing Petition without Hearing
DC 19-21.1 Order Dismissing Ex Parte Domestic Abuse Protection Order
DC 19-21.2 Order Dismissing Petition and Affidavit to Obtain Domestic Abuse Protection Order
DC 19-21.3 Order to Grant Dismissal Domestic Abuse Protection Order
DC 19-22.1 Order Dismissing Ex Parte Harassment Protection Order
DC 19-22.2 Order Dismissing Petition and Affidavit to Obtain Harassment Protection Order
DC 19-22.3 Order to Grant Dismissal Harassment Protection Order

Other than DC 19-16 the new forms contain a choice of one of three scenarios:

1. The petitioner did not appear
2. The petitioner appeared but do not prove up
3. The respondent had shown cause as to why the protection order should not be issued.

Space is provided for the court to make specific factual findings, if needed or appropriate. Each selection carries with it the resulting determination of whether the dismissal is with or without prejudice, and provides for the preparation of a complete record.

Forms are located on the "Full Forms" section of the Web site under District Court---Protection Order Forms: <http://supremecourt.ne.gov/forms/index.shtml#district>

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